

THE INSTITUTE on Religion and Public Policy:

Religious Freedom in Turkmenistan

Executive Summary

(1) Religious communities in the country of Turkmenistan face significant obstacles to the free practice of religion. Minority religious groups find it very difficult to worship legally as the government requires religious groups to register. This process has essentially come to a halt in recent years. The Turkmen criminal code makes no allowances for religious conscience, often jailing religious minorities for refusing their military service. The government successfully controls the country's mosques and Islamic clergy through appointment and constant oversight, ensuring that their theology is in line with the ideology of the country's rulers. The country refuses to allow the publication of religious works, significantly hampering the ability of minority religious groups to worship.

THE INSTITUTE on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Introduction to the Legal Situation

(3) The Constitution of Turkmenistan provides the legal groundwork for religious freedom within the country. However, in practice these laws are not followed and enforced. Article 11 of the constitution says that "the state guarantees freedom of religions and confessions and their equality before the law." Article 11 continues, "Everybody has the right to independently determine his attitude to religion, singly or jointly with others profess any religion or none, express and diffuse beliefs related to one's attitude to religion, and participate in the exercise of religious cults, rites and rituals." Article 17 says that "Turkmenistan guarantees the equality of citizen's rights and freedoms, and the equality of citizens before the law regardless of their... attitude to religion, political beliefs or party affiliation."

(4) These declarations of religious freedom, however, are essentially annulled by Article 44 which says, "The exercise of the civil rights and freedoms envisaged in this Constitution may be suspended only in the conditions of an emergency or martial law under the procedure and within the limits established by the Constitution and other laws." There are a significant number of "other laws" within the country that are used to discriminate against and suppress religious minorities. Religious groups are required to register with the government before they can hold worship meetings. The registration process has essentially come to a halt in recent months, resulting in a large number of minority religious groups

meeting illegally and being severely punished for it. This is particularly prevalent outside of the capital area where foreigners rarely visit.

(5) Article 219, Part 1, of the Criminal Code punishes conscientious objectors who refuse to serve in the armed forces with a maximum penalty of two years' imprisonment. There are no alternative service provisions in place.

(6) Article 205 of the Code of Administrative Offences mandates that leaders who refuse to register their communities; leaders or participants who engage in unregistered religious activity; leaders and members of registered religious organizations who conduct youth work or activity not directly related to religious worship; and those who violate the regulations on conducting religious ceremonies and processions, will face fines of between five and 10 months' minimum wages. It also says that members of registered or unregistered religious communities who receive support from any source without recording it officially may be fined between 10 and 20 months' minimum wages and confiscation of the donation.

Instances of Official Discrimination

(7) While there is no official instruction of religion in schools, the Ruhnama, a book written by late president Saparmurat Niyazov is required readings for students in grade schools and universities as well as for professors, regardless of area of study. The Ruhnama is a mixture of history, religious morality and autobiography and it is mandated that mosques hold it on the same level as the Qur'an. In addition to being required in education, Turkmen looking to obtain a driver's license must take a test on the Ruhnama instead of a test on traffic laws. President Gurbanguly Berdimuhammedow recently published his own book outlining his own ideology to replace that of the late president Saparmurat Niyazov, but it has yet to receive the same support as the Ruhnama.

(8) The government agency responsible for handling religious affairs within Turkmenistan is the government-appointed Council on Religious Affairs (CRA). The CRA reports to the presidency supposed to act as an intermediary between the government bureaucracy and registered religious organizations, but in reality only serves the government. The CRA only includes Sunni Muslim, Russian Orthodox and government representatives, but had no representatives from the country's minority religious communities. The decisions of the CRA are enforced through the government security apparatuses.

(9) While the government does not support any particular religion on paper, it uses the CRA to finance and support mosques and the salaries of Muslim clerics. The CRA also approves all senior cleric appointments and requires clerics to give it regular reports. Officially the CRA says they answer all "non-legal questions" religious communities may have, but according to Forum 18, CRA "officials both nationally and locally – including imams – take part in raids on non-Muslim religious meetings and intimidation of those present often in conjunction with the Ministry of State Security (MSS) secret police."

(10) Religious literature is especially hard for individuals to obtain. It is illegal for religious literature to be printed. Imported literature is often confiscated. All imported religious materials must be approved by the CRA in practice, making it extremely difficult for minority religious groups to obtain religious materials necessary for worship. In addition, religious literature is usually confiscated during raids or airport searches. Although there have been reports of returned Bibles or Qur'an, more often than not the confiscated literature is said to be destroyed.

(11) The 2003 law on religion and the amendments that followed in 2004 restricted the registration of religious groups tightly, allowing for only Sunni Islam and the Russian Orthodox to be registered. A presidential decree changed those laws in 2004, however, abolishing criminal penalties for practicing with an unregistered religious group (but leaving civil penalties) and reducing the amount of members required to register from 500 to five. The small Roman Catholic community in Turkmenistan is prevented from registering because law requires that the head of a registered church must reside within the country, which the Vatican does not. The Shi'a Community has not yet attempted to register since the religion laws changed in 2004 and it is unclear as to why. Other groups that have either had trouble with or been prevented from registering include: "Jehovah's Witnesses, Jews, and several evangelical Christian groups including 'Separate' Baptists, charismatic groups, and an unaffiliated, nondenominational group."

(12) There is no Islamic Theology faculty at any university within Turkmenistan. The last Islamic faculty, dissolved in 2005, had been monitored and employed by the government. This dissolution means that the government has been the sole source of official Islamic theology since 2005.

(13) There have been numerous instances of official discrimination throughout the last year. On April 11, 2008, officials from the local Religious Affairs Department, the police, secret police, Justice Ministry and Tax Ministry raided a Protestant Bible class in Ashgabad. Officials said they wanted to find out how many people attended the classes, who they were, and if everything was in order with the church's documents. The pastor of the church had been told previously that he was not allowed to preach to his own members without permission from the government, though the church's charter is officially recognized. Not having its own building, the church has already had to move its services 10 times this year.

(14) On December 29, 2007 a Baptist service was raided in the town of Balkanabad. State officials took the names of all those present, all the religious literature on the table, including hymn books, a Bible concordance, books of poetry and 47 discs with recordings of sermons and hymns. Three men were taken to a police station and subsequently released.

(15) On December 18, 2007, Jehovah's Witness Ashirgeldy Taganov, was sentenced to prison in the last six months for refusing military service based on religious conscience. He received an 18-month prison sentence. Mr. Taganov is one of several Jehovah's Witnesses among currently or recently freed individuals imprisoned for their religious faith. Two of the other Jehovah's Witnesses are serving two-year suspended sentences. Three others were free by Presidential amnesty earlier in the year. The Jehovah's Witnesses complained that the court procedure was "hasty" and "careless" in Taganov's trial, and that the defendant did not have a satisfactory opportunity to present a defense. Nurmukhamed Gurbanov, Deputy Chair of the government's Committee for Religious Affairs, said "All this is being done in accordance with the law. The law is normal and they violated the law, so that's why they should be punished."

(16) As of May 2010, there are five Jehovah's Witnesses jailed for refusing to comply with the mandatory military service for religious reasons. All say they would gladly serve their country in non-military ways, but currently there is no other service besides the military. The government has told the United Nations that they are planning to implement a non-military based track for those who refuse to serve in the military for personal or medical reasons, but there has been no movement to make it a reality. In addition, as of now, four of the five jailed conscientious objectors have been sentenced to

extended detention in punishment cells of the labor camps where they are currently serving out their two-year sentences.

(17) On December 12, 2007, the government severely restricted the number of Muslims able to make the annual pilgrimage to Mecca. The Saudi government, which places a limit on the number of pilgrims that may attend from each country, allotted Turkmenistan 5,000 pilgrims. The Turkmenistan government chartered its own plane and allowed only 188 Muslims to make the trip, including a number of individuals from the Ministry for State Security, party officials and members of the secret police. The pilgrimage is one of the Five Pillars of Islam that followers must complete at least once. This unnecessary restriction on the numbers of pilgrims deprives many pious Muslims of the ability to perform one of the key tenets of their faith.

(18) In 2009, the 188 Muslims who were allowed make the Hajj were sent on an “internal pilgrimage” where they traveled to various religious sites in Turkmenistan instead of flying to Mecca. Although many believe this is connected to the exit bans put on many religious individuals who try to leave the country, the government cited the H1N1 virus as the reason for holding back the pilgrimage. The trip seems to be set in 2010, but many people question what the government will decide to do this year.

(19) On December 11, 2007, Baptist Minister Vyacheslav Kalataevsky was deported after a request to stay with his wife and family was denied. Kalataevsky was released from prison on November 6, 2007, but still held in a government facility while the government decided whether to deport him or not. To secure his release, the government had his wife sign a statement that Kalataevsky would follow all laws while they were. When he returned to his village, city officials met with him and presented him with a pre-written statement that he would not hold any religious services or meet with any of his parish members. Weeks later his request to stay in the country was denied and he was deported.

(20) On October 12, 2007, the Russian Orthodox Church in Turkmenistan split from the Church’s Central Asian Diocese in Uzbekistan. The Turkmen Government claims the main reason for the split is that the Diocese in Uzbekistan did not visit Turkmenistan in over 4 1/2 years. Hence, the splitting of the church would make pastoral oversight more clear in Turkmenistan. However, the Diocese and others accuse the Turkmenistan government of making it very difficult for the Diocese to visit the country because of animosity towards Uzbekistan and fear of its influence. Former President Saparmurat Niyazov requested that the church be split in 2005 in an attempt to make an independent church that he could preside over in his country, just as he did with Islam in previous years.

(21) On August 13, 2007, the Former Grand Mufti of Turkmenistan, Nasrullah Ibn Ibadullah, was released from prison after serving five years of a 22-year sentence that he was handed after a closed trial in 2003. He was convicted of conspiring to assassinate the former President Saparmurat Niyazov, but numerous human rights groups believe he was jailed for his growing vocal opinions in regards to the President’s interference with religious affairs. He particularly objected to the imposition of the Ruhnama on Mosques and the demand for Imams to quote from the book in their sermons.

(22) The government strictly monitors religious education in Turkmenistan. Imams, spiritual leaders of the Islamic community, must be taught in the Theology Department at Turkmen State University. The Theology Department, however, suffered a loss in 2009 when the building was demolished without notice. This is apparently not the first building to be taken down without notice in recent years, and the Theology Department still exists at Turkmen State University, but they now teach out of another department’s building on campus.

Conclusion

(23) There are a number of regulations and practices the government needs to eliminate in order to be in compliance with international conventions on human rights and ensure the religious freedom of its people. All religious communities must be treated with equal regard. The government needs to simplify its registration process and allow all religious denominations to register. It also needs to repeal laws punishing unregistered groups meeting for worship. The government needs to lift the ban on publishing religious texts. Turkmen authorities must cease their imposition of the Ruhnama on its citizens as moral law, particularly in mosques where it is forced to be held on the same level as the Qur'an. The government must respect conscientious objectors and others, by providing alternative civil service to citizens who feel they cannot actively participate in the military. Turkmenistan needs to allow for all Muslims who are willing and able to make the pilgrimage to Mecca to do so, not simply a handful chosen by the government. Finally, the government should allow its universities the option to establish religious faculty that function outside of the influence of the government.